

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

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DEMARCO COTTON,)
PLAINTIFF,)
Vs.) CIVIL ACTION No. 3:22-cv-00147
CORE CIVIC ET AL,)
DEFENDANT.) JURY TRIAL DEMANDED

(AMENDED) - CIVIL ACTION PETITION PURSUANT TO 42 U.S.C. § 1983

This a civil action brought by Demarco Cotton, the plaintiff in this cause, for assault by correctional staff, improper use of chemical agents, denial of medical treatment, all in violation of the 8th Amendment to the U.S. Constitution, and Article I, § 16 of the Tennessee Constitution, the cruel and unusual punishments clause of the Federal Constitution's Eighth Amendment, the wanton infliction of pain, the illegal application of force maliciously and sadistically, for the very purpose of causing harm with a knowing willingness that harm occur.

I.

JURISDICTION

1. This Court has jurisdiction over this plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 and 1333 (a) (3).

II.

VENUE

2. The Middle District of Tennessee is the proper venue under 28 U.S.C. § 1331 (b)(2) as all events herein alleged occurred in this District.

III.
PARTIES

3. The plaintiff, Demarco Cotton, is an inmate currently housed at Trousdale Correctional Center, 140 Macon Way, Hartsville, TN 37074.

4. The defendant, Core Civic, is a private prison within the jurisdiction of, and contracted with, the State of Tennessee, Trousdale County.

5. The above named defendant, CoreCivic, Inc., by the actions described herein, acted under color of state law and acted to deprive the plaintiff of his rights secured under federal law.

IV.
EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. The plaintiff filed a grievance in reference to the federal claims stated herein. The plaintiff never received a response. This prison has a documented history of “losing” grievances that have been levied against the administration.

V.
FACTUAL ALLEGATION

7. February 21, 2021, Correctional Officers Bangura and Birge (SIC) came to the plaintiff's cell door and told me to step out of the cell.

8. The plaintiff asked Officer Birge what was wrong and he (Officer Birge) stated that I had “popped out of my cell” during count time.

9. The plaintiff was then told by Officer Bangura to place my hands on the wall so that he could perform a pat -down.

10. The plaintiff complied with Officer Bangura's instruction.

11. Officer Bangura then ordered the plaintiff to step inside of my cell so that he could conduct a strip search.
12. The plaintiff complied with Officer Bangura's order.
13. As soon as the plaintiff stepped into the cell, Officer Bangura stated , "If you don't do what I tell you, I'm gonna spray your ass!"
14. The plaintiff told Officer Bangura that he was not authorized to strip search him.
15. The plaintiff was stripped searched in front of Officer Birge, who is a female Officer.
16. The plaintiff began taking off my pants and boxers.
17. The Officers told the plaintiff that they were "looking for a phone (cell phone)."
18. When the officers did not find a cell phone, Officer Bangura sprayed the plaintiff with pepper spray,threw the plaintiff to the floor and drug him out onto the top tier of the plaintiff's housing unit while he was still naked.
19. This was done in the presence of Officer Birge (sic) the female Correctional Officer.
20. Because of the chemical agent that had been sprayed on the plaintiff, he was unable to see.
21. The plaintiff was in excruciating pain and suffered labored breathing.
22. Officer Bangura put his hand around the plaintiff's neck and started choking him, and punching the plaintiff in the head.
23. Officer Bangura then bit the plaintiff on the back with such force that it broke the skin.

24. Officer Bangura's imprint of his teeth is well visible on the plaintiff's back.
25. The plaintiff was taken to segregation.
26. The plaintiff asked for medical treatment because he could not breath or see due to the chemical agent that had been used against him, and from the assault by Officer Bangura.
27. The plaintiff was in segregation for five (5) days before he received a disciplinary. Officer Huntley, the disciplinary officer at TTCC, asked the plaintiff to sign a disciplinary report.
28. The plaintiff never had a disciplinary hearing.
29. On February 24, 2021, after three (3) days of being denied medical treatment, the plaintiff suffered diminished vision in his eyes from being sprayed with pepper spray and not having been treated for it.
30. This diminished vision continues to this day.
31. Doctor Buckner, who is one of the psychiatric staff members here at Trousdale, was making her wellness check rounds.
32. The plaintiff stopped her and informed her that he needed immediate medical attention and that he had lost feeling and movement in his left hand due to the assault.
33. The plaintiff showed Dr. Buckner the bite marks on his back where Officer Bangura had bitten him.
34. Officer Wilson, one of the officers assigned to the segregation unit, witnessed the plaintiff's conversation with Dr. Buckner.
35. Later, on the day of the 24th (February), Officer Wilson returned with Nurse Flood, to examine the bite marks on the plaintiff's back.

36. Nurse Flood never treated the plaintiff for the injuries he suffered nor did she refer the plaintiff to medical for treatment.

VI.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays for the following relief:

1. Declare that the acts and omissions described herein violated the plaintiff's rights under the constitution and laws of the United States.
2. Enter judgments in the monetary amount of \$300,000 in compensatory damages and \$650,000 in punitive damages against the defendant, Core Civic, as allowed by law.
3. Order any other such additional relief as this Court may deem just and proper.

Respectfully submitted,

Demarco Cotton

Demarco Cotton

#295257

TTCC

140 Macon Way

Hartsville, TN 37074

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I Demarco Cotton, declare and verify under penalty of perjury under the laws of the United States, that the foregoing is true and correct. Executed this ~~21st day of February,~~
2022.

17th Day of March

Demarco Cotton
Notary Public

6-27-20
My Commission Expires



DeMarco Cotton
#295257
TTCC
140 Macon Way
Hartsville, TN 37074

March 17th, 2022

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Regarding Case No. 3:22-cv-00147,
"DeMarco Cotton v. CoreCivic"

Please find enclosed, my "Notice" and "Consent" to civil action, and my "Amended" Civil action petition. This "Amended" petition is to supersede my original civil action filed on 3/1/2022.

Thank you in advance for your assistance.

Sincerely,
DeMarco Cotton

Demoneo Cotton
295257
TTCC
140 Macon Way
Hartsville, TN 37074

THE DEPARTMENT OF CORRECTION
TTCC HAS NEITHER INSPECTED
NOR CENSORED AND IS NOT
RESPONSIBLE FOR THE CONTENTS

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23 MAR 2022 PM



U. S. District Court
Middle District of Tennessee
Office of the Clerk
800 U.S. Courthouse
Nashville, TN 37203

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